

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**EDWARD D. MULLINS, et al.,**

**Plaintiffs,**

**- against -**

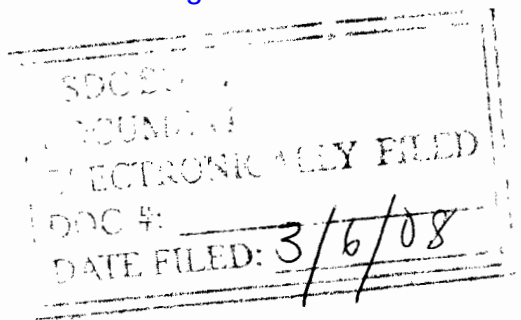
**CITY OF NEW YORK and THE NEW  
YORK CITY POLICE DEPARTMENT,**

**Defendants.**  
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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

WHEREAS this matter came before the Court upon the application of plaintiffs for a temporary restraining order pursuant to Fed. R. Civ. P. 65(b) enjoining defendant the City of New York and the New York City Police Department from investigating or disciplining Sergeant Anthony Cioffi and any other individual plaintiffs based on their deposition testimony or participation in the above-referenced action;

WHEREAS this Court has reviewed the Complaint in this action, plaintiffs' moving papers on their motion for a preliminary injunction, the Affirmation of Bruno V. Gioffre and Declaration of Clay J. Pierce, and letters filed by both parties with this Court concerning the application;



**TEMPORARY  
RESTRAINING  
ORDER**

**04 Civ. 2979 (SAS)**

the parties addressed the allegations giving rise to the instant application;

WHEREAS, based on the existing record, the Court finds that plaintiffs have demonstrated a need for an order temporarily restraining defendants the City of New York and the New York City Police Department from (1) engaging in any further investigation of Sergeant Anthony Cioffi relating to his testimony or participation in this case; (2) using plaintiff Cioffi's February 12, 2008 testimony as the basis for any disciplinary action; and (3) investigating or disciplining any plaintiff in this matter based on his or her testimony or participation in this lawsuit, pending the hearing of plaintiffs' application for a preliminary injunction, based on a preliminary showing of likelihood of success on the merits and irreparable harm absent the entry of this Order.

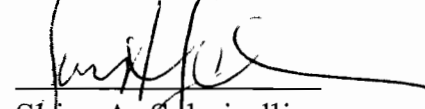
IT IS HEREBY ORDERED that, sufficient reason having been shown therefore, pending the hearing of plaintiffs' application for a preliminary injunction and until further order of this Court, defendants the City of New York and the New York City Police Department and their agents, servants, employees, and any parties acting on their behalf are temporarily restrained and enjoined from:

(1) engaging in any further investigation of Sergeant Anthony Cioffi relating to his testimony or participation in this matter;

(2) pursuing any disciplinary proceedings against plaintiff Cioffi based on his February 12, 2008 interrogation; and

(3) investigating or disciplining any plaintiff in this matter based on his or her testimony or participation in this lawsuit.

SO ORDERED:

  
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Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
March 5, 2008

## **Appearances**

### **For Plaintiffs:**

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